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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,273	09/05/2000	C. Douglass Thomas	CDTP006	8031

7590  
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12/28/2007

EXAMINER
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RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/655,273

Applicant(s)

THOMAS, C. DOUGLASS

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-12, 16, 19, 20 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-12, 16, 19-20, 22-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

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35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 37-38 are rejected under 35 USC 101 as defining an inoperable invention.

Claim 37: The preamble of claim 36 recites a "program storage device" and indicate that the device tangibly embodies a program. However, the "program storage device" is defined in applicant's specification at page 26, lines 28-32 as being "carrier waves" which are not tangible. Since it is impossible to reconcile the contradictory requirements of a tangible embodiment on an otherwise intangible medium, the claimed invention is inoperable.

Claim 38: Depends on claim 37.

Claims 6-12, 16-17, 19-20, 22-23, 33 and 37-38 are rejected under 35 U.S.C. 101 because the claimed invention is non-statutory.

Claim 19: Claim 19 is a method which results only in a determination. A determination is not a tangible result, and thus the claim is non-statutory. Additionally, the preamble of claim 1 states that the invention is directed to a "program storage device" which is defined in applicant's specification at page 26, lines 28-32 as including "carrier waves" which are intangible. See *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) for the requirement of a tangible result. The "producing copyright registration information" does not produce a tangible result, since it is merely the production of data inside of a computer and not a result which would be tangible to a user.

Claims 6-12, 16-17, 20, 22-23 and 33: Depend from claim 19.

Claim 37: The preamble of claim 37 states that the invention is directed to a "program storage device" which is defined in applicant's specification at page 26, lines 28-32 as including

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“carrier waves” which are intangible. See *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) for the requirement of a tangible result.

Claim 38: Depends on claim 37.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11, 16, 19-20, 22-24, 27-31 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351).

Preliminary Note: Since claim 19 is the first independent claim of record, it is discussed first, followed by the discussion for the remaining claims of record.

Claim 19: Col. 6, lines 32-54 of Freivald et al. outline the steps of registering a web page document and comparing a currently available version of the web page document to an older archived version of the document. The comparison is accomplished by comparing a checksum of CRC values for each document. This checksum of CRC values are the claimed “page defining information” which are compared to produce a change indication. In response a to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10).

Freivald differs in that it does not disclose the websites as having any copyright registration or the steps of producing a copyright registration application.

However, Glogau et al. teaches the general principle that a website may be copyrighted. In addition, Glogau teaches the concept of reviewing website content and then subsequently generating the form to initiate a U.S. copy right registration, which correlates to the claimed "registration application information".

It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to incorporate copyright registered documents in order to facilitate the protection of the intellectual property in those documents. It would further have been obvious to modify Freivald et al. to add a copyright registration functionality to the web management system of Freivald et al. in order to provide intellectual property protection to the reviewed web documents, as taught by Glogau.

Claims: 6-11, 20, 22-24 and 27-31: The reasons for these rejections were set forth in the office action of July 13, 2005 and are hereby incorporated by reference.

Claim 16: Glogau teaches that a copyright registration is performed, and that the registration may be on-line and interactive (col. 7, lines 9-14 of Glogau). The exact content of the registration, such as the claimed "references to previous registration" are non-functional descriptive material because they are merely referring to the text content within the registration. Non-functional descriptive material does not carry patentable weight. See *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004).

Claim 34: Within Freivald, the checksums of CRC values are compared in order to determine if sufficient change has occurred. The "threshold level" is the checksummed CRC value of either the older archived document or the recent document. Since a web user creates and/or modifies the documents that establishes these CRC values, these threshold levels are "user-alterable" as claimed, by the action of the user creating and/or modifying these documents.

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Claim 35: The checksum of CRCs are the claimed "page defining information" for each document. This CRC value derives from the content of the document. The content of the document is an attribute of the document.

Claim 36: As seen in FIG. 7 of Freivald et al., each document can have a set of individual CRC values, one for each tagged section of the document. The individual CRC values can be read as individual weights, and each tagged section can be read as an attribute. Since the individual CRCs can be different, each attribute can be associated with a different weight.

Claims 37-38: See remarks for claim 19.

Claims 12, 25, 26, 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351) and further in view of Information Today.

The reasons for this rejection were set forth in the office action of July 13, 2005 and are hereby incorporated by reference.

#### Remarks

This office action follows the filing of an RCE request and is made non-final. Applicant's are primarily addressed to the combination of Freivald and Glogau. The rationale for the combination of these two references are set forth in detail in the discussion for claim 19.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
Art Unit 2164